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| 10/598,595 | 08/17/2007 | David Minodier | 4976-012 | 7469 |
| 23429 7590 05/27/2009 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314 | | | | |
| EXAMINER JOHN, CLARENCE | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,595

Applicant(s)

MINODIER ET AL.

Examiner

CLARENCE JOHN

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on February 12, 2009, where the applicant amended claims 1, 4, 6, 11- 13, cancelled Claim 14 and newly added claims 15 and 16.

Response to Arguments

2. Applicant's arguments filed on 3/9/2009 have been fully considered but they are not persuasive and do not place the Application in condition for allowance.
3. The Applicant argues that Prasad does not disclose or suggest the requirement of amended claim 1 or the similar amended claim 11 related to determining the compatibility of software of the client with a predetermined access control protocol for access to the virtual network.
4. **In reply**, the examiner disagrees and states that Prasad does in fact teach the above limitation. Prasad does disclose determining if the subscription of the client needs to be modified by the dashboard (i.e. the compatibility of the software of the client) based on the subscription sent using IP Protocol (i.e. with a predetermined access control protocol) for access to the virtual network. Prasad's teachings on Column 2, lines 40-50, Column 7, lines 50-52, Column 14, lines 13-21, Figure 5B. It is determined whether the subscription of the client needs to be modified based on the user who can select the desired service of subscription using IP Protocol.

5. The applicant also argues that Addington does not disclose or suggest the feature of Claims 1 and 11 relating to determining the compatibility of software of the client and that the technologies of Prasad and Addington are so diverse and not obvious to combine Addington's teachings with Prasad.
6. **In reply**, the Examiner states that Prasad alone was relied upon determining the compatibility of software of the client and Addington was never relied upon such limitation. Instead, Addington was relied upon a high speed network based on Ethernet technology (Addington's teachings on Column 55, lines 61-67) and the predetermined access control is a protocol of the IEEE 802.11b (Addington's teachings on Column 56, lines 1-4 and Figure 22, block 1556) wherein the client line multiplexer includes a software module according to the IEEE 802.1x standard for relaying the information associated with authentication. (Addington's teachings on Column 30, lines 5-6). Addington teaches digital communication network involving subscription services using IP Protocol. Prasad also teaches a telecommunications network involving subscription services using IP Protocol. Both references teach communication networks using IP Protocols. According to the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S. -, 82 USPQ2d 1385 (2007), it would have been obvious to combine the use of known technique which Addington teaches in the same way with Prasad in order to have high speed wireless data access from the network to the user's computer.

7. Examiner notes that no new matter has been added and that the amended claims are rejected based on the same references as cited by the previous office action.
8. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 102(e) and 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1- 9, 11-12, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Prasad et al. (US 7,197,125).
10. With respect to Claim 1, Prasad teaches a method of authenticating a telecommunication terminal called client for access to at least one virtual network which allows the client to access the services of at least one service provider, the or each virtual network being set up on a telecommunication network, the method being performed with a data processing arrangement and comprising:
determining the compatibility of software of the client with a predetermined access control protocol for access to the virtual network, (Column 2, lines 40-50, Column 7, lines 50-52, Column 14, lines 13-21, and Figure 2A blocks 2-001

through 2-004, Figure 5B. Here it is determined whether the subscription of the client needs to be modified based on the user who can select the desired service of subscription using IP Protocol. The IP connection is established by the client after determining the compatibility); if the software of the client is not compatible with the predetermined access control protocol, authorizing data transfer between the client and at least one subscription system for subscribing the client to at least one service provider via an authentication network which is different from the or each virtual network which allows the client to access the services of the or each service provider, (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network); if the non-compatible client subscribes to at least one service provider via the authentication network, transferring to the non-compatible client an authentication for accessing the virtual network which allows access to the services of the service provider to which the non-compatible client is subscribed and information which makes it possible to make the software of the client compatible with the predetermined access control protocol. (Column 5, lines 59-67, Column 6, lines 1-2. Figure 1, Block 114. Here the non compatible client is authenticated to use the services of the service provider).

11. With respect to Claim 2, Prasad teaches a method according to Claim 1, wherein the authentication network is a virtual network or a network that is separate from the telecommunication network. (Column 17, lines 15-20. Figure 7. Networks 722 and 728).
12. With respect to Claim 3, Prasad teaches a method according to Claim 1, wherein the subscription system includes consists of at least one subscription portal, (Figure 1, block 104) an authentication material server (Figure 1, block 106) and, where-in response to the client subscribing subscribes to a service, (Figure 2A, block 2-009); the subscription portal transfers to an authentication server data associated with the authentication transferred to the client. (Figure 2A - blocks 2-001 to 2-004 and Figure 2B - block 2-015).
13. With respect to Claim 4, Prasad teaches a method according to Claim 3 wherein the client is connected to the network via a Digital Subscriber Line Access Multiplexor (Column 18, lines 24-29, Figure 7- block 718) and, if the client is compatible with the predetermined access control protocol the Digital Subscriber Line Access Multiplexor performs-the steps of obtaining an identifier and a client authentication material (Column 17, lines 5-11, Column 8, lines 49-55. Figure 2A block 2006. Here the command selections to the processor include the steps of obtaining a username and authentication quality) and of obtaining a client

authentication confirmation from the authentication server (Column 8, lines 11-17 and Figure 2A, blocks 2-003 and 2-004).

14. With respect to Claim 5, Prasad teaches a method according to Claim 4, wherein if the authentication server does not confirm the authentication of the client, the method comprises a step of authorizing data transfer between the client at least one subscription system for subscribing the client to at least one service provider via an authentication network which is different from the virtual networks which allow a client to access the services of at least one service provider. (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network).

15. With respect to Claim 6, Prasad teaches a method according to Claim 3, wherein there is a transfer to the authentication server of information associated with the service provider to which the client is subscribed and/or information characterizing the service to which the client is subscribed. (Column 10, lines 4 - 29, Fig 2B - blocks 2-014 through 2-017. This shows the information to which the client is subscribed).

16. With respect to Claim 7, Prasad teaches a method according to Claim 6, wherein the authentication server additionally transfers to the Digital Subscriber Line Access Multiplexer the information, associated with the service provider to which the client is a client and/or the information relating to the service or services to which the client is subscribed. (Figure 2A blocks 2-006 through 2-011 and Figure 2B blocks 2-012 through 2-017 and Figure 4A blocks 4-007 through 4-009. Here the authentication server transfers all information to the service provider to which the client is subscribed).
17. With respect to Claim 8, Prasad teaches a method according to Claim 7, wherein the Digital Subscriber Line Access Multiplexer authorizes data transfer between the virtual network which allows the client to access the services of the service provider (Figure 4A, blocks 4-004 and 4-011. Here the client's data is transferred to the service provider for the client to access the services to which the client is subscribed according to the communication speeds to which the client is subscribed).
18. With respect to Claim 9, Prasad teaches a method according to Claim 1, wherein an address server is also associated with the virtual authentication network (Column 19, lines 60-61, Column 20,, lines 31-34); and the address server allocates an address to the client for data transfer on the virtual authentication network. (Column 7, lines 16-18).

19. With respect to Claim 11, Prasad teaches a system for authenticating a telecommunication terminal called client for access to at least one virtual network for allowing the client to access the services of at least one service provider, the or each virtual network being set up on a telecommunication network, the system comprising ; processing means for determining the compatibility of software of the client with a predetermined access control protocol for access to the telecommunication network, (Column 2, lines 40-47, Column 7, lines 50-52 and Figure 2A blocks 2-001 through 2-004. Here the IP connection is established by the client after determining the compatibility); authorization means for authorizing if the software of the client is not compatible with the predetermined access control protocol, data transfer between the non-compatible client and at least one subscription system, at least one subscribing means for subscribing the client to at least one service provider via a network which is different from the virtual networks which allow a client to access the services of a service provider, (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network); and a transfer means for transferring to the non-compatible client, if the non-compatible client subscribes to at least one service provider via the authentication network, an authentication for accessing the virtual network which allows access to the services of the service provider to which the non-compatible

client is subscribed and information which makes it possible to make the software of the client compatible with the predetermined access control protocol. (Column 5, lines 59-67, Column 6, lines 1-2. Figure 1, Block 114. Here the non compatible client is authenticated to use the services of the service provider).

20. With respect to Claim 12, Prasad teaches a computer readable medium having stored thereon (The Prasad apparatus is implemented by programmed computers which inherently are programmed by and further include computer readable media that store a computer program to perform the instructions discussed below) or a storage device (Figure 7, block 710) having stored thereon a computer program including instructions for enabling a computer to carry out the authentication method according to of Claim 1. (Figure 2A- blocks 2-002 through 2-004);

21. With respect to Claim 15, the method of claim 1 wherein the method authenticates the client to the services of plural service providers via plural virtual networks (Figure 2A blocks 2-001 through 2-004, Column 8, lines 1-23. Here the client is authenticated upon successful verification); wherein if the software of the client is not compatible with the predetermined access control protocol, authorising data transfer between the client and plural subscription systems for subscribing the client to plural service providers via the authentication network which allows the client to access the services of each service provider. (Column

2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network).

22. With respect to Claim 16 the system of claim 11 wherein the system is arranged for accessing plural virtual networks for allowing the client to access plural service providers and each virtual network is set up on the telecommunication network, (Figure 2A, blocks 2-008 through 2-011, Figure 2B, blocks 2-012 through 2-014); wherein: (a) the authorisation means is arranged for subscription systems, (Figure 5B. Here the user credentials are verified in order to access subscription systems); (b) the subscribing means is arranged for subscribing plural service providers via the network, (Figure 2A blocks 2-001 through 2-004, Column 8, lines 1-23. Here the client who has subscribed to access service providers are authenticated upon successful verification of their credentials) and (c) the transfer means is arranged for transferring to the new compatible client, if the non-compatible client subscribes to plural service providers. (Column 5, lines 59-67, Column 6, lines 1-2. Figure 1, Block 114. Here the non compatible client is authenticated to use the services of the service provider).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad in view of Addington et al. (US 7,194,756).
24. With respect to Claim 10, Prasad teaches all limitations of Claim 1. However Prasad does not explicitly state about teaching a method according to Claim 1, wherein the telecommunication network is a high-speed network based on Ethernet technology, and the predetermined access control protocol is a protocol of the IEEE 802.1x type, and the clients are connected to the Digital Subscriber Line Access Multiplexer via connections of the DSL type.
25. Conversely, Addington teaches such a limitation where the telecommunication network which he uses is a high speed network based on Ethernet technology, (Column 55, lines 61-67) and the predetermined access control protocol is a protocol of the IEEE 802.11b (Column 56, lines 1-4 and Figure 22, block 1556).
26. Addington teaches digital communication network involving subscription services using IP Protocol. Prasad also teaches a telecommunications network involving subscription services using IP Protocol. Both references teach communication networks using IP Protocols.
27. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Addington with Prasad in order to have high speed wireless data access from the network to

the user's computer. (Addington's teachings on Column 55, lines 61-67 and Column 56, lines 1-4).

28. With respect to Claim 13, Prasad teaches a Digital Subscriber Line Access Multiplexor which allows at least one client to access the services of at least one service provider, (Prasad's teachings on Figure 4A, block 4-001 through 4-004); the client line multiplexor being arranged for relaying the information transmitted by the client and associated with authentication of the client to an authentication server, (Prasad's teachings on Figure 2B, block 2-017, Figure 4A, blocks 4-004 and 4-005. Here the information of the client is relayed to the authentication server)
29. Prasad teaches the limitations of Claim 13 as described above. However Prasad does not explicitly state about the client line multiplexer including a software module according to the IEEE 802.1x standard.
30. Conversely, Addington teaches such a limitation in his telecommunication network which uses a high speed network based on Ethernet technology (Addington's teachings on Column 55, lines 61-67) and the client line multiplexor includes a software module (Column 30, lines 5-6) according to the protocol which is IEEE 802.11b.
31. Addington teaches digital communication network involving subscription services using IP Protocol. Prasad also teaches a telecommunications network

involving subscription services using IP Protocol. Both references teach communication networks using IP Protocols.

32. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Addington with Prasad in order to have enhanced services such as Personal Video Recording (PVR) from the service provider and configuring the service in the host. (Addington's teachings on Column 30, lines 5-10).

Conclusion

The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and /or priority documents) is implied as being applied to teach the scope of the claims.

Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARENCE JOHN whose telephone number is (571)270-5937. The examiner can normally be reached on Mon - Fri 8:00 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CJ/
Patent Examiner
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5/20/2009

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